

Application No.: 10/039654

Case No.: 53750US002

Remarks

Upon reviewing the file, it came to Applicant's attention that the Form PTO-1449 mistakenly identified WO 96/16231 as WO 96/15231. The WO 96/16231 reference was submitted. The Applicant respectfully requests correction of the Form PTO-1449.

In the response filed Oct 31, 2003, Applicant amended each of claims 1 and 15 to recite the limitations of claim 8. Accordingly, amended claim 1 now recites:

1. A method of making a magnetic pavement marker comprising the steps of:
forming an array of magnetic pavement elements interconnected by a carrier web; and
forming a frangible connection between the magnetic pavement elements and the carrier web by at least partially severing the carrier web around a perimeter of the magnetic pavement elements.

Further, amended claim 15 now recites:

15. A magnetic pavement marker attachable to a pavement surface comprising:
an array of magnetic pavement elements, each element having a perimeter, interconnected by a carrier web wherein the magnetic pavement elements are at least partially severed around the perimeter of the magnetic pavement elements.

Claim 12 was amended to recite as follows:

12. A method for making a magnetic pavement marker comprising the steps of forming an array of discreet magnetic pavement elements in a predefined pattern on a conformable carrier web.

In the Advisory Action of 12-16-02, the Examiner stated that the Applicant did not address the 102 (c) rejection in view of Dahlin et al.

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35 U.S.C. § 102 (e) Claim Rejections

Claims 1-5 and 7-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by Dahlin et al. (U.S. Patent No. 6,468,678). The Examiner stated that "The connection between elements (Figures 6 and 7s for example) is frangible."

This rejection appears to be based on the same rationale as the rejection under 35 U.S.C. 102 (b) in view of Clark et al. (U.S. Patent No. 5,853,846) wherein the Examiner stated that "the connections relied upon in the rejections are frangible because the meaning of the term "frangible" is --breakable--. Because the connections could be broken, the claim limitations are met. In order for the rejections to be overcome, applicant must recite structural limitations not disclosed by the prior art."

In view of the amendments previously made in the response filed Oct 31, 2003, this rejection is now moot since Clark et al. also fails to teach these features. The Applicant has responded to all the rejections set for the by the Examiner. A timely allowance is respectfully requested.

Respectfully submitted,

Date

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